

**Amendments to the Drawings:**

The attached replacement drawing sheets make changes to Figs. 1-7 and replaces the original sheets with Figs. 1-7. A New drawing sheet is added and provides new Fig. 8. New Fig. 8 is supported, for example, by original Figs. 1-7 and the specification at paragraphs [0024]-[0059]. No new matter is added.

Attachment: Replacement Sheets and New Sheet

**REMARKS**

Claims 1, 2 and 4-11 are pending. By this Amendment, claims 1, 7 and 9 are amended and claim 3 is canceled. Support for the Amendments may be found, for example, in the claims as originally filed and in the specification at paragraphs [0034]-[0041]. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Zarroli in the February 20, 2009 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

**I. Allowable Subject Matter**

Applicants thank the Examiner for the indication that claims 3-8 contain allowable subject matter. Specifically, claims 7 and 8 are indicated as allowable if rewritten in independent form to include all the features of the base claim and any intervening claims, and claims 3-6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph. For at least the reasons stated below, claims 3-6 meet the requirements of 35 U.S.C. §112, second paragraph, and, thus, Applicants respectfully assert that claims 3-6 are allowable.

By this Amendment, the subject matter of claim 3 is incorporated into claim 1, and claim 3 is canceled. Claims 2 and 4-8 variously depend from claim 1 and, thus, require all the limitations of amended claim 1. Accordingly, Applicants respectfully submit that the rejections over the applied references are moot, and allowance of claims 1, 2 and 4-8 is requested.

## II. Objection to the Drawings

The Office Action objects to the drawings under 37 C.F.R. 1.83(a). The Office Action asserts that the drawings fail to show the "minimum value of the thickness exists in an area surrounded by the peripheral part" in claim 2, and the "minimum value exists in an area surrounded by the peripheral part" in claim 3. Applicants respectfully traverse the objection.

Fig. 1 of the present application is a plan view and, thus, depicts the top of the permanent magnetic member. As can be seen from Fig. 1, there is a peripheral part (30) that surrounds the entire permanent magnet member and comprises a shorter periphery (11), a longer periphery (12) and two side peripheries (13 and 14) that connect the shorter and the longer peripheries to each other. Element 126 in Fig. 1 is a surface surrounded by the peripheral part (30) (i.e., the area inside the dashed line of Fig. 1). See specification, paragraph [0040]. Thus, according to claims 2 and 3, the maximum values of thicknesses exist along the peripheral part (30) as represented by the area between the dashed line in Fig. 1 and the outer edges of the permanent magnetic member of Fig. 1, and the minimum values of thicknesses exist in an area surrounded by the peripheral part (126) as represented by the area inside the dashed line of the permanent magnetic member in Fig. 1.

Further, as can be seen in Figs. 2-4, which are cross-sectional views along the line A-A of Fig. 1, the thickness "t" as claimed is in a direction from the bottom surface to the top surface of the permanent magnetic member (i.e., into and out of the plane of Fig. 1). Figs. 2-4 show that the thickness of the permanent magnetic member (10) and the corrosion-resistant film (2), decrease as they move from either the longer periphery (12) or the shorter periphery (11) towards the center (C) of the permanent magnetic member. Furthermore, Figs. 2-4 show an embodiment where the maximum thickness of the permanent magnetic member (10) and corrosion-resistant film (2) is at the peripheral part (i.e., at the longer periphery (12) and the shorter periphery (11)) and the minimum thickness of the permanent

magnetic member and the corrosion-resistant film is located at an area that is located near the geometrical center of the permanent magnetic member (C). Thus, Figs. 2-4 show that the minimum thickness of the permanent magnetic member and the corrosion-resistant film exists in an area between the longer periphery (12) and the shorter periphery (11).

Referring to new Fig. 8, the thickness of the permanent magnetic member (10) and the corrosion-resistant film (2) is greater at the periphery (i.e., at the side peripheries (13 and 14)) than in an area located near the geometrical center (C) of the permanent magnetic member and, thus, new Fig. 8 shows that the minimum value of the thickness of the permanent magnetic member and the corrosion-resistant film exists in an area between the side peripheries. Therefore, Applicants respectfully assert that Figs. 1-4 and 8 clearly show that the maximum thicknesses of the permanent magnetic member and the corrosion resistant film exist along the peripheral part constituted by the shorter periphery, the longer periphery, and the side peripheries and that the minimum thickness exists in an area surrounded by the peripheral part. Put differently, as Figs. 1-4 and 8 show, as the distance from the periphery towards the geometrical center of the claimed permanent magnetic member increases, the distance between the top portion (32) and the bottom portion (33) of the permanent magnetic member also decreases.

For at least the reasons stated above, Applicants respectfully assert that the figures show every feature of the invention specified in the claims. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

### **III. Objection to the Specification**

The Office Action objects to the specification because of the implied language in lines 1-2 of the Abstract. By this Amendment, an amended Abstract is submitted to obviate the objection. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

**IV. Claim Objections**

The Office Action objects to claim 7 as lacking antecedent basis for "a voice coil motor" in line 2. By this Amendment, claim 7 is amended to obviate the objection.

Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

**V. Rejections Under 35 U.S.C. §112**

The Office Action rejects claims 2-6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Specifically, the Office Action asserts that claims 2 and 3 are confusing because they state that the thickest values of the permanent magnetic member and the corrosion-resistant film exist along the peripheries and the thinnest values of the permanent magnetic member and the corrosion-resistant film exist in an area surrounded by the peripheries.

As stated above, and as is supported by the specification and the figures, Applicants respectfully assert that the features recited in claims 2 and 3 would apprise one of ordinary skill in the art as to the metes and bounds of the claimed invention. The claimed "thickness", which is defined in the specification and shown in the figures as being the thickness of the permanent magnet member going into and out of the plane of Fig. 1, is at its maximum at the peripheral part of the permanent magnetic member and is at its minimum in an area surrounded by the peripheral part of the permanent magnetic member (i.e., an area closer to the geometrical center of the permanent magnetic member than the peripheral part).

Accordingly, when the thickness dimension of the permanent magnetic member is considered in light of the definition provided in the specification and the figures, Applicants respectfully assert that claims 2 and 3 meet the requirements of 35 U.S.C. §112, second paragraph. Claims 4-6 are rejected based on their dependence from rejected claims 2 and 3 and, thus, for the reasons stated above, claims 4-6 also meet the requirements 35 U.S.C. §112,

second paragraph. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**VI. Rejections Under 35 U.S.C. §103**

**A. Umehara and Endoh**

The Office Action rejects claims 1 and 2 under 35 U.S.C. §103(a) over U.S. Patent No. 5,576,583 to Umehara ("Umehara") in view of U.S. Patent No. 5,329,267 to Endoh et al. ("Endoh"). Applicants respectfully traverse the rejection.

Without conceding to the propriety of the rejection and in the interest of furthering prosecution, the subject matter of allowable claim 3 is incorporated into claim 1 and claim 3 is canceled. Accordingly, Umehara and Endoh, individually or in combination, fail to disclose, teach or suggest each and every feature of amended claim 1.

Further, regarding claim 2, the Office Action asserts that Endoh discloses that a maximum value of thickness exists along a peripheral part comprising the shorter periphery, longer periphery, and side periphery, and wherein the minimum value of the thickness exists in an area surrounded by the peripheral part. The Office Action cites Fig. 8(A) of Endoh to support this assertion. However, Fig. 8(A) of Endoh shows a magnetic assembly provided with cut planes (26A and 26B) that are symmetric about the center plane (24A and 24B), respectively, on the upper curved surfaces of the lower magnetic pieces (10A and 10B). See Endoh, col. 9, lines 38-53. Fig. 8(A) is a top view of the magnetic component of Endoh and, thus, the cut planes (26A and 26B) in Fig. 8(A) of Endoh are located on the longer periphery of the magnetic component. Thus, the maximum and minimum thicknesses disclosed by Fig. 8(A) of Endoh are located on the longer periphery.

As discussed above, the claimed "thickness" is a distance between the top surface of the permanent magnetic member and the bottom surface of the permanent magnetic member, not the distance between the longer periphery and the shorter periphery, as is suggested by the

Office Action by its citation to Endoh Fig. 8(A). Therefore, Endoh fails to disclose each and every feature of claim 2. Further, Endoh provides no reason or rationale for one of ordinary skill in the art to have modified the permanent magnetic member disclosed in the primary reference, Umehara, to yield the permanent magnetic member as recited in claim 2.

Additionally, the Office Action, on page 7 acknowledges that Umehara does not teach or suggest the features of claim 2 and, thus, because Endoh also fails to teach or suggest the features of claim 2, the combination of Umehara and Endoh fails to teach or suggest each and every feature of claim 2.

For at least the reasons stated above, claims 1 and 2 would not have been rendered obvious by Umehara and Endoh, individually or in combination. Claims 2 and 4-8 variously depend from claim 1 and, thus, also would not have been rendered obvious by Umehara and Endo, individually or in combination, at least for their dependence from claim 1, as well as for the additional features that they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**B. Umehara**

The Office Action rejects claims 9-11 under 35 U.S.C. §103(a) over Umehara. Applicants respectfully traverse the rejection.

By this Amendment, claim 9 recites, *inter alia*, "the permanent magnet member having a top surface and a bottom surface opposing each other; wherein at least one of the top and bottom surfaces is formed with a recess in the thickness direction ...." Applicants respectfully assert that Umehara fails to teach or suggest such a permanent magnetic member.

The Office Action asserts that the left side of element 3 in Fig. 2 of Umehara discloses a surface formed with a recess. However, Applicants respectfully assert that Umehara does not disclose that the top surface or the bottom surface of the magnetic member (element 3) of Umehara is formed with a recess in the thickness direction (i.e., in the direction extending

from the yoke (element 12) to the top surface of the magnetic member). Thus, Umehara fails to disclose a permanent magnetic member wherein at least one of the top and bottom surfaces is formed with a recess in the thickness direction.

Further, Umehara provides no reason or rationale for one of ordinary skill in the art to have modified the magnetic member of Umehara to yield a magnetic member wherein at least one of the top and bottom surfaces is formed with a recess in the thickness direction. As is disclosed in the present specification, the recess in at least the top or bottom surface of the permanent magnetic member provides a space for an adhesive layer to be held and, thus, increases the bonding strength between the permanent magnetic member and the yoke. See specification, paragraph [0036]. However, Umehara fails to disclose that the bonding between the magnetic member and the yoke is insufficient, nor does Umehara provide any alternative reason or rationale for one of ordinary skill in the art to have modified the magnetic member of Umehara to have a recess in at least one of the top and bottom surfaces of the permanent magnetic member. Therefore, Umehara fails to teach or suggest each and every feature of amended claim 9.

Claim 9 would not have been rendered obvious by Umehara. Claims 10 and 11 depend from claim 9 and, thus, also would not have been rendered obvious by Umehara. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

## **VII. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.



Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:NAB/lmf

Attachments:

Petition for Extension of Time  
Replacement Drawing Sheets (6)

Date: February 23, 2009

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